

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH LOCHUCH EWALAN,

Petitioner,

v.

DON HOLBROOK,

Respondent.

Case No. C20-01497-JLR-SKV

ORDER DIRECTING RESPONSE TO
MOTIONS, RE-NOTING MOTIONS
AND RE-NOTING RESPONDENT'S
ANSWER

This is a 28 U.S.C. § 2254 habeas action. Petitioner has filed an amended petition in this matter, Respondent has filed an answer and Petitioner has filed a response to the answer. Dkts. 13, 34, 40. Currently pending before the Court are Petitioner's habeas petition, Petitioner's "motion for writ of habeas corpus to admit additional memorandum of authorities", Dkt. 43, Petitioner's "motion in support of writ to release/supplement amended habeas writ", Dkt. 45, and Petitioner's "motion to order defendants to produce court of appeal transcript", Dkt. 39.¹

Although Petitioner's "motion for writ of habeas corpus to admit additional memorandum of authorities", Dkt. 43, and "motion in support of writ to release/supplement

¹ The Court notes that Petitioner has also filed a "motion to expedite release of petitioner pending decision on writ", Dkt. 44, which is noted for consideration on September 24, 2021. That motion will be addressed by separate order once it is fully briefed.

1 amended habeas writ”, Dkt. 45, are somewhat unclear, it appears to the Court that Petitioner is
2 seeking to include additional arguments and case law in support of his habeas petition as well as
3 potentially attempting to raise new claims. Upon review, the Court finds a response from
4 Respondent would be helpful to resolving these motions. Accordingly, the Court hereby
5 ORDERS:

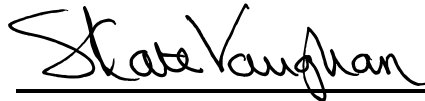
6 (1) Respondent shall file a response to Petitioner’s motions, Dkts. 43, 45, on or before
7 **October 11, 2021**. Petitioner may file a reply to the motions, Dkts. 43, 45, on or before
8 **October 15, 2021**. The Clerk is directed to re-note Petitioner’s motions, Dkts. 43, 45, to
9 **October 15, 2021**.

10 (2) The Clerk is directed to re-note Respondent’s answer to the petition, Dkt. 34, to **October**
11 **15, 2021**.

12 (3) Because the Court finds it appropriate to consider Petitioner’s “motion to order
13 defendants to produce court of appeal transcript” in considering the entirety of the habeas
14 petition and the sufficiency of the record, the Clerk is also directed to re-note that motion,
15 Dkt. 39, to **October 15, 2021**.

16 The Clerk is directed to send copies of this order to the parties and to the Honorable
17 James L. Robart.

18 Dated this 23rd day of September, 2021.

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21 S. KATE VAUGHAN
22 United States Magistrate Judge
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